

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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NATALEE HESSELL, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

No. 14-1091V
Special Master Christian J. Moran

Filed: July 14, 2015

Stipulation; Tetanus-diphtheria acellular pertussis (“Tdap”) vaccine; shoulder injury related to vaccine administration (“SIRVA”).

Lawrence R. Cohan, Anapol Schwartz, Philadelphia, PA, for petitioner;
Adriana Ruth Teitel, United States Dep’t of Justice, Washington, DC, for respondent.

UNPUBLISHED RULING FINDING ENTITLEMENT¹

On November 10, 2014, Natalee Hessell filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa—10 through 34 (2012), alleging that she suffered from adhesive capsulitis related to her receipt of a Tetanus-diphtheria acellular pertussis (“Tdap”) vaccination in her right shoulder on April 10, 2013.

In her Rule 4(c) report, respondent stated that “compensation is appropriate in this case.” Resp’t’s Rep., filed July 9, 2015, at 1. Respondent added that the Division of Injury Compensation Programs, U.S. Department of Health and Human Services, has reviewed the facts of this case and has concluded that the

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

alleged injury, lasting for more than six months, “is consistent with a shoulder injury related to vaccine administration (‘SIRVA’),” and thus that “petitioner has satisfied all legal prerequisites for compensation under the Act.” Id. at 6 (citations omitted).

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injury.

Accordingly, Ms. Hessel is entitled to compensation. The process for quantifying the amount of damages to which Ms. Hessel is entitled will be discussed at the status conference previously set for **Wednesday, July 15, 2015 at 10:00 A.M. Eastern Time.**²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² In anticipation of the status conference, petitioner shall begin gathering the materials respondent requests in her Rule 4 Report. Resp’t’s Rep. at 6-7.